

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

APR - 4 2008

CLERK, U.S. DISTRICT COURT  
By \_\_\_\_\_ Deputy

JAIME MENDEZ CUELLAR, PRO SE, §  
TDCJ-CID # 854843, §  
Plaintiff, §  
v. § 2:07-CV-0158  
BRAD LIVINGSTON, §  
BRIAN W. RODEEN, §  
HERMAN NUSZ, and §  
JULITO UY, §  
Defendants. §

**ORDER OF DISMISSAL**

Plaintiff JAIME MENDEZ CUELLAR, while a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-named defendants and was granted permission to proceed *in forma pauperis*.

On March 6, 2008, a Report and Recommendation was issued by the United States Magistrate Judge analyzing plaintiff's claims and recommending dismissal with prejudice as frivolous and without prejudice for failure to state a claim on which relief can be granted.

Plaintiff filed his objections on March 18, 2008.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation, as well as the Objections filed by the plaintiff.

The Court is of the opinion that the objections of the plaintiff should be OVERRULED and the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does OVERRULE plaintiff's objections, and does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that this Civil Rights Complaint is DISMISSED WITH PREJUDICE AS FRIVOLOUS AND WITHOUT PREJUDICE FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

All pending motions are DENIED.

The Clerk shall send a copy of this Order to plaintiff and to any attorney of record.

IT IS SO ORDERED.

ENTERED this 3rd day of April, 2008.

  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE